IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANIDGARH

C.W.P. No. 7960 of 2005

Date of Decision: 10.10.2006

Jaswinder Kaur

.... Petitioner

Versus

State of Punjab and others.

... Respondents

CORAM: Hon'ble Mr. Justice J.S. Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Ms. Sonia G. Singh, Advocate,
for the petitioner.

Mr. Ashok Aggarwal, Addl. Advocate General, Punjab,
for respondent Nos. 1 to 3.

Mr. Balbir Singh, Advocate,
for respondent No.5.

J.S.Khehar, J. (Oral)

The petitioner Jaswinder Kaur has assailed the appointment of respondent No.5 – Charanjit Kaur as Anganwari Worker. The contention of the learned counsel for the petitioner is, that the petitioner ought to have been awarded more marks than respondent No.5 in the criterion adopted by the respondents, and, as such, had a preferential right for appointment as Anganwari Worker over respondent no.5.

To test the aforesaid assertion at the hands of the petitioner, we have re-examined the claim of the petitioner as well as respondent No.5 in terms of the criteria for awarding marks in order to determine merit, depicted

in para 5 of the written statement filed on behalf of the official respondents (Respondent Nos. 1 to 3). The aforesaid criteria is being extracted hereunder:

"1.	Martic Pass candidates	10 Marks
2.	Addl. Marks for Matric 1st Division	02 Marks
3.	Addl.Marks for Matric 2nd Division	01 Marks
4.	Addl. Marks for 10+1	01
5.	Addl. Marks for 10+2	02
6.	Addl. Marks for B.A.Part-I	03
7.	Addl. Marks for B.A.Part-2	04
8.	Addl. Marks for B.A./Higher Education."	05

Having perused the manner of assigning marks in determination of merit, we have arrived at the conclusion, that the petitioner as well as respondent No.5 ought to have been granted 14 marks in terms of the aforesaid criteria, although both of them have been awarded 13 marks in the process of selection. This conclusion of ours is affirmed by the learned counsel for the petitioner as well as by the learned counsel for respondent No.5.

In the aforesaid view of the matter, since both, the petitioner as well as respondent No.5, have been awarded the same number of marks, the next question to be determined is, who has a preferential right over the other for appointment against the post of Anganwari Worker. It is not disputed that respondent No.5 is a daughter-in-law of the village, whereas the petitioner is a daughter of the village, and, as such, respondent No.5 has a preferential right over the petitioner, in terms of clause 4 of the instructions for recruitment of Anganwari Workers and Helper, placed on the record of

this file as Annexure P/5.

In view of the above, we are satisfied, that the respondents were fully justified for giving the preference to respondent No.5 over the petitioner for the post of Anganwari Worker.

Dismissed.

(J.S. Khehar)
Judge

October 10, 2006
vkd

(S.D. Anand)
Judge